



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

MAY 19 2015

**VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED: 70102780000243564221**

Mr. Darren Olagues, CEO  
Cleco Power LLC  
2030 Donahue Ferry Road  
Pineville, LA 71360

RE: Clean Air Act, Section 114(a) Information Request to Cleco Power LLC, regarding Rodemacher Power Station/Brame Energy and Teche Power Station facilities

Dear Mr. Olagues:

Enclosed is a request for information (Request) issued under the authority of Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). The purpose of this Request is to obtain information necessary to carry out our responsibilities under the CAA Section 110. As part of those duties, the U.S. Environmental Protection Agency (EPA) is specifically seeking information from certain sources including Rodemacher Power Station/Brame Energy and Teche Power Station facilities, related to Regional Haze requirements in Louisiana. This facility was identified by the LDEQ in its 2008 Regional Haze State Implementation Plan (SIP) as a Best Available Retrofit Technology (BART) eligible source.

We understand that your company is working with the State of Louisiana in the development of a SIP, and that what is being requested in this letter may be similar to what you are providing to the State. The EPA is sending a formal Request for information in order to be in a position to develop a Federal Implementation Plan for regional haze for Louisiana should that prove necessary. To assist in this process, the EPA is seeking information regarding the operations at this facility, including a determination whether this facility is subject to BART. If this facility is subject to BART, the EPA is requesting that a BART analysis be performed in accordance with the BART Guidelines (70 FR 39158-39161, July 6, 2005) and our regulations (Section 51.301)<sup>1</sup> in response to this information Request.

In general, we are requesting the information needed for a BART evaluation to meet regional haze requirements for visibility impairing pollutants. You must send a response to the EPA on or before the following dates:

1. Identification of Sources Subject to BART:

- |                               |                  |
|-------------------------------|------------------|
| a. Initial Screening Modeling | by June 15, 2015 |
| b. Refined Screening Modeling | by July 31, 2015 |

If you choose not to conduct initial screening modeling and/or refined screening modeling, you must provide a letter regarding this decision to Mr. Guy R. Donaldson at the address below by

<sup>1</sup>See 77 Fed. Reg. 11839, at 11848.

June 15, 2015. In this case, this facility will be treated as being subject to BART and the further requirements of this letter regarding providing a determination of how the source will meet BART, discussed below, will remain applicable to this facility (including the due date of October 31, 2015).

2. A BART evaluation and BART recommendation by October 31, 2015

Enclosure 1 contains instructions and definitions that you should use to provide the requested information.

Any modeling analyses demonstrating that this facility is not subject to BART must be completed according to the modeling information and protocol included in Enclosure 2, and must be reviewed and agreed upon by the EPA. If upon review of the modeling by the EPA and agreement by the EPA that this facility is not subject to BART, the further requirements of this letter are not applicable to this facility. Otherwise, if the facility is subject to BART, Enclosure 3 contains the requirements for the BART analysis.

Your response to this information Request must be certified by a duly authorized officer or agent of your company by signing the enclosed Statement of Certification included as Enclosure 4 and returning it with your response. All information submitted in response to this information request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Enclosure 5 specifies the assertion and substantiation requirements for business confidentiality claims.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b). In addition, knowingly providing false information in response to this information Request may be actionable under Section 113(c) of the CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, or criminal proceedings.

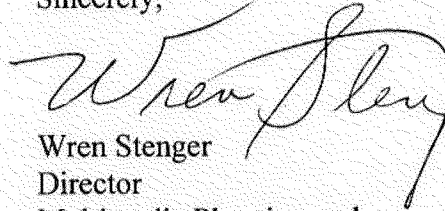
The Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it is not a collection of information, as defined in 44 U.S.C. § 3502(3). To aid in our electronic record keeping efforts, please provide your response to this Request in electronic format such as Portable Document Format (PDF), saved to a compact disc or flash drive, rather than hard copy.

Please provide the information requested to Mr. Guy R. Donaldson at the address below:

Mr. Guy R. Donaldson  
U.S. Environmental Protection Agency-Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

If you have any questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Mr. Guy R. Donaldson of my staff at (214) 665-7242 or at Donaldson.Guy@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Wren Stenger". The signature is fluid and cursive, with the first name "Wren" and last name "Stenger" clearly distinguishable.

Wren Stenger  
Director  
Multimedia Planning and  
Permitting Division

Enclosures (5), plus electronic attachments (cd)

cc: Ms. Maile Sharff  
Safety Director  
Cleco Power LLC

Mr. Terry Halford  
Safety Manager  
Cleco Power LLC

Ms. Tegan Treadaway  
Assistant Secretary, Office of Environmental Services  
Louisiana Department of Environmental Quality



## **ENCLOSURE 1:**

### **Instructions**

1. Provide a separate narrative response to each question set forth in the Request. Please provide all documents responsive to this Request in electronic format such as Portable Document Format (PDF), saved to a compact disc or flash drive, rather than hard copy.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document or electronic file produced in response to this Request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. When data to be provided exists in electronic spreadsheet format, the data and corresponding information should be provided in editable Excel or Lotus format, and not in image format, such that any original underlying cell formulae are present. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
6. When the requested information includes electronic maps of the facility, the maps should be provided in electronic desktop geographical information system (GIS) shapefiles compatible with ArcView GIS 9.3, instead of PDF.
7. Each document provided in electronic form, whether image or editable spreadsheet format, or GIS shapefiles, must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the document, or a reference page added to indicate that a separate PDF document is provided as the enclosure/attachment so referenced).
8. For each compact disc, flash drive and/or hard drive containing electronic documents submitted in response to our Request, a table of contents for the electronic documents on individual and/or multiple discs/drives must be provided so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of file folders organized by question number. In addition, each compact disc, flash drive and/or hard drive should be labeled appropriately (e.g., Company Name, Disc 1 of 4 for Information Request Response, Date of Response).
9. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
10. If any of the above information has previously been provided to the EPA under Section 114(a) of the Clean Air Act (CAA), you may direct us to that specific response in lieu of reproducing that information in responding to this information Request.



## Definitions

All terms used in this Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et. seq., 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), or other CAA implementing regulations. Additional clarifications are specified below.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. *All* documents in hard copy should also include attachments to or enclosures with any document.
2. The terms “relate to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term “Cleco Power LLC” shall mean Cleco Power LLC, and all other subsidiaries, past owners/operators, and related entities.
4. The term “EGU” shall mean or refer to Electric Generating Unit.
5. The term “Unit” shall mean all equipment used for the purpose of generating electricity including, but not limited to, coal handling facilities, boilers, ductwork, stacks, turbines, generators, and all ancillary equipment.
6. The term, “scrubber,” shall collectively refer to flue gas desulfurization technologies designed to remove SO<sub>2</sub> from coal fired power plants by reacting lime, limestone, or other reagents with the exhaust gas stream. This includes, but is not limited to wet scrubbing, spray dry scrubbing, dry scrubbing, and all variations of these basic types of scrubbing systems.
7. The term “AFUDC” shall mean or refer to Allowance for Funds Used During Construction.
8. The term “SCR” shall mean or refer to Selective Catalytic Reduction.

## ENCLOSURE 2:

### CALPUFF Modeling Requirements and Protocols

For each facility named above, any modeling analyses demonstrating that this facility is not subject to BART must be completed according to the modeling information and protocol included in this enclosure, and must be reviewed and agreed upon by the EPA.

The following provides guidance for modeling to be conducted for the facility's impacts for either BART screening or evaluation of benefits from controls/emission reductions. For deviations from this guidance, or approval of CALPUFF or CALMET modeling, etc.; please contact the EPA Region 6 Air Quality Modelers by email at the addresses below.

#### EPA Region 6 Modelers Contact Information

Erik Snyder ([Snyder.Erik@epa.gov](mailto:Snyder.Erik@epa.gov)), and Michael Feldman ([Feldman.Michael@epa.gov](mailto:Feldman.Michael@epa.gov)).

#### Pollutants to Model

Modeling must include PM (both PM Fine and PM Coarse), NO<sub>x</sub> emissions, and SO<sub>x</sub> emissions for both the screening modeling and assessing impacts from controls/emission reductions as part of a BART analysis<sup>2</sup>. Due to the non-linearity of chemistry reactions of NO<sub>x</sub> and SO<sub>x</sub> compounds with ammonia, it is necessary to model both of these pollutants, also including PM emissions, in assessing the impacts from a facility on a Class I area or assessing the change in impacts due to emission reductions. The LDEQ's previous SIP submittal included maximum 24-hour emission rates for PM (PM Fine and PM Coarse), SO<sub>2</sub>, and NO<sub>x</sub>. The EPA expects these emission rates to be used for screening and baseline emissions levels when evaluating benefits from controls/emission reductions.

#### Current regulatory version of the CALPUFF Modeling System includes<sup>3</sup>:

CALPUFF version 5.8.4, level 130731 (approved 12/4/13)

CALMET version 5.8.4, level 130731 (approved 12/4/13)

CALPOST version 6.221, level 080724 (approved 8/27/12)

#### INITIAL SCREENING MODELING

Initial Screening modeling can be conducted using the CENRAP CALMET data that did not include observations (generated in 2006 timeframe) and current regulatory approved versions of CALPUFF, POSTUTIL, and CALPOST (versions discussed below). This approach is probably only useful for the facilities that only combust natural gas and not coal or fuel oil. As discussed in the original CENRAP modeling protocol, the CENRAP CALMET data set did not include observations and was considered a non-guideline approach and a compromise was reached that the 1<sup>st</sup> High model values would be used instead of the 8<sup>th</sup> High values typically used with guideline modeling analyses. While the CALMET fields were generated with older versions of the CALMET processing system, we are not requesting that the data be regenerated based on the assumption that final results would generally be similar and would not affect overall decisions and this is a screening approach using the 1<sup>st</sup> High. If a facility was just over, a refined CALMET analysis with observations included and use of the 8<sup>th</sup> High may be lower and below the screening threshold. A facility that is above the screening threshold with the initial screening

<sup>2</sup> While the EGU sources in Louisiana previously only modeled PM in the original Louisiana BART analysis, without either CAIR or CSAPR coverage for SO<sub>2</sub> for BART, additional modeling is needed.

<sup>3</sup> [http://www.epa.gov/ttn/scram/dispersion\\_prefrec.htm#calpuff](http://www.epa.gov/ttn/scram/dispersion_prefrec.htm#calpuff) (April 22, 2015)

modeling approach should conduct refined screening modeling to determine whether the facility is below the threshold with that approach.

If a facility chooses not to use CENRAP/CALMET data, then Refined Screening modeling, or Refined modeling as part of a BART analysis, should be completed.

#### REFINED SCREENING MODELING

Refined Modeling for screening and/or BART analysis should be conducted with CALMET with inclusion of meteorological data observations and must be performed in accordance with approaches discussed here or in a new protocol approved by the EPA. Acceptable refined modeling allows the 8<sup>th</sup> High (98<sup>th</sup> percentile) to be used from modeling results.

The most recent refined CALMET & CALPUFF modeling protocol for BART purposes that the EPA has reviewed and approved (Fall 2013) in Louisiana was for modeling of the Sid Richardson –Addis Plant. Note that this protocol and subsequent modeling were developed prior to the updated CALMET and CALPUFF versions approved in December 2013. Any CALMET runs conducted for this effort (refined screening and/or emission reductions benefits) should use the currently approved versions. We are attaching electronic copies of the Sid Richardson protocol, modeling report, and example input/control files for CALMET, CALPUFF, POSTUTIL, and CALPOST that can be used as examples. General caveat is that the updated model version of CALMET should be used for refined modeling unless one of the two existing CALMET datasets are used. The two existing CALMET datasets are the Sid Richardson CALMET output files and the CENRAP based CALMET output files that included observations that has been used by the EPA for SIP/FIPs in Oklahoma and the recent Arkansas proposal (2015). Appropriateness of using either of these two existing CALMET datasets must be justified based on the location of the facility and transport to the Class I area as discussed below and in the Sid Richardson protocol and modeling report.

#### *CALMET Specific Issues –*

The Sid Richardson CALMET modeling domain and processing were focused on transport from a specific source in the southeast part of Louisiana and its impacts are primarily at the closest Class I area, Breton NWS as other Class I areas are much further away. Similarly, the CALMET dataset used by the EPA for actions in Oklahoma and Arkansas was not necessarily sized to consider transport of specific Louisiana sources to nearby Class I areas. Depending on the location of your facility, the modeling domain for CALMET needs to be justified for these two existing CALMET datasets or may differ for generating a new CALMET dataset. The justification should evaluate the modeling domain to ensure it is/will be sized to ensure that the different transport conditions (meandering, flow/wind shifts, etc.) that could transport the emissions to a Class I Area are within the CALMET grid area and that puffs are not prematurely eliminated from the grid by transport beyond the grid. Acceptable sizing of grids and Class I area(s) to evaluate is facility specific. We recommend that the facility consult with the EPA Region 6 Air Quality Modelers by email on a grid and any other changes to model settings, etc. before conducting modeling (see EPA Region 6 Air Quality Modelers' contact information above). We note that any new CALMET grid should not be smaller than 6 km. CENRAP's MM5/MM4 met databases should be used for extracting and generating new CALMET data. If a facility does not have access to the necessary CENRAP met data, please contact the EPA Region 6 Air Quality Modelers for arranging to have a copy made on a hard drive that the facility would provide. An example input/control file for CALMET is included electronically (epar6calmet.inp)

#### *CALPUFF Specific Issues –*



The attached input/control file can be used as an example (epar6calpuff.inp). The only deviation to the Sid Richardson approach is that a higher value (80 ppb) be used for filling missing ozone data instead of the monthly average values used in the Sid Richardson analysis.

#### *POSTUTIL/CALPOST Specific Issues –*

Modify CALPOST input/control files as necessary to include background information and receptors for appropriate Class I Areas. See (epar6postutil.inp and epar6calpost.inp)

#### Protocol/Methodology Issues

To expedite review of any CALMET and/or CALPUFF protocols submission of the following is requested: proposed CALMET modeling domain, data files to be used, Class I areas to analyze, CALMET/CALPUFF/POSTUTIL/CALPOST and processor versions, model control settings and appropriate examples of input/control files for each modeling step (see electronic attachments and Sid Richardson protocol) and documentation pointing out any specific deviations from these recommendations.

#### Class I areas to evaluate for impacts

In general, facilities should focus on the same Class I areas they previously evaluated for PM modeling. Facilities in the Southeastern area of Louisiana should focus on Breton NWS impacts; Facilities in the Northwest part of Louisiana should focus on Caney Creek; facilities that are somewhat equidistant to both Class I areas should evaluate both Class I areas.

#### Other Issues

Evaluations of changes in impacts due to controls or emission reductions must use the same protocol, model settings, and procedures provided in this Enclosure.

#### Submittal of Modeling

Modeling submissions must include:

- a modeling report and conclusions,
- all modeling files.

The modeling files must be provided on a hard drive, and must include all of the following files as applicable:

- CALMET output files,
- ozone files used for calpuff,
- CALPUFF input/control files,
- POSTUTIL input and output files,
- CALPOST input and output files, and
- executables used.

If CALMET modeling was conducted, include all:

- met data input files,
- CALMET input/output files, and other data files.

If the CENRAP MM5 data set is used, provide a text file explaining that is acceptable in lieu of providing the CENRAP MM5 data (2001, 2002, and 2003).

**ELECTRONIC ATTACHMENTS to Enclosure 2 CALPUFF Modeling Requirements and Protocols**  
**(see cd)**

EPA memo 7\_19\_2006.pdf

EPA email to LDEQ 10-17-2014.pdf

2-3-15 email on pollutants to model.pdf

Sid Richardson Modeling Protocol\_June\_2013.pdf

Sid Richardson Modeling Report Final 10\_29\_2013.pdf

10-17-2013 Sid Richardson protocol approval email.pdf

Epar6calmet.inp

Epar6calpuff.inp

Epar6postutil.inp

Epar6calpost.inp

Federal Land Managers' Air Quality Related Values Workgroup (FLAG), Phase I Report – Revised (2010) {FLAG\_2010.pdf}.

Interagency Workgroup on Air Quality Modeling (IWAQM), 2009: Reassessment of the Interagency Workgroup on Air Quality Modeling (IWAQM) Phase 2 Summary Report: Revisions to Phase 2 Recommendations, EPA-454/R-09-00X, RTP, NC. {Draft\_IWAQM\_Reassessment\_052709-EPA-454\_r-09-00x.pdf}

USEPA, 2009a: Model Clearinghouse Review of CALPUFF Modeling Protocol for BART. Research Triangle Park, NC. {EPA 2009a- Calpuff Modeling Protocol for BART – BigStoneMC1.pdf}

USEPA, 2009b: Clarification on EPA-FLM Recommended Settings for CALMET. Research Triangle Park, NC. {EPA 2009b-CALMET\_CLARIFICATION\_Fox\_memo.pdf}

## ENCLOSURE 3:

### Best Available Retrofit Technology (BART)

If this facility is subject to BART, the EPA is requesting that a BART analysis be performed in accordance with the BART Guidelines (70 FR 39158-39161, July 6, 2005) and our regulations (Section 51.301)<sup>4</sup> in response to this information Request.

For each facility named above, provide the following for each unit that meets the operational dates of the program [see the BART Guidelines (70 FR 39158-39161, July 6, 2005) and our regulations (Section 51.301)<sup>4</sup>].

- a. The company shall conduct and provide an analysis of emission control alternatives for each BART-eligible source for SO<sub>2</sub> and PM pollutants pursuant to the BART Guidelines and our regulations (Section 51.301)<sup>4</sup>.
- b. The analysis of BART must be made according to the BART Guidelines and our regulations (Section 51.301),<sup>4</sup> and must include an evaluation of each of the BART factors and provide a recommendation for BART.
- c. Unless special, demonstrable situations exist, the following should be assumed for any BART analysis:
  - i. Emission limits for dry scrubber retrofits, and scrubber upgrades, should be assumed to minimally correspond to 95% control, with a floor of 0.06 lbs/MMBtu, based on a 30 day Boiler Operating Day (BOD)<sup>5</sup> averaging period.
  - ii. Emission limits for wet scrubber retrofits, and scrubber upgrades, should be assumed to minimally correspond to 98% control, with a floor of 0.04 lbs/MMBtu, based on a 30 day BOD averaging period.
  - iii. Emission limits for SCR retrofits should be assumed to minimally correspond to 98% control, with a floor of 0.05 lbs/MMBtu, based on a 30 day BOD averaging period.
- d. In addition, the following should be assumed for any BART analysis:
  - i. Use of the Overnight Cost Methodology employed by the EPA Air Pollution Control Cost Manual<sup>6</sup>.
  - ii. A thirty year operating life for any EGU pollution control retrofit, unless the facility agrees to enter into an enforceable commitment submitted as part of the SIP to shut down the unit earlier, or change fuels.
  - iii. A capital recovery factor that employs a social interest rate of 7 percent or less.
  - iv. No AFUDC, escalation during the construction period, or other cost line items disallowed or otherwise not valid under the EPA Air Pollution Control Cost Manual<sup>6</sup>. Escalation to current

<sup>4</sup> See 77 *Fed. Reg.* 11839, at 11848.

<sup>5</sup> As the BART Guidelines direct, “[y]ou should consider a boiler operating day to be any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.” 70 FR 39172 (July 6, 2005).

<sup>6</sup> EPA’s “Air Pollution Control Cost Manual,” Sixth Edition, January 2002, is located at [www.epa.gov/ttn/catc1/products.html#cccinfo](http://www.epa.gov/ttn/catc1/products.html#cccinfo)



dollars (e.g., use of an older vendor's estimate), if done in accordance with the EPA Air Pollution Control Cost Manual, is acceptable.

- v. All cost assumptions should be fully supported.
- e. All required CALPUFF modeling to assess benefits of controls/emission reductions as part of a BART analysis should be conducted in accordance with Enclosure 2 – CALPUFF Modeling Requirements and Protocols.

## ENCLOSURE 4:

### Statement of Certification

*I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the CAA, and 18 U.S.C. §§ 1001 and 1341.*

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(Signature)

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(Title)

## **ENCLOSURE 5:**

### **Confidential Business Information (CBI) Requirements**

#### Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the U.S. Environmental Protection Agency only to the extent permitted and by means of the procedures set forth by Section 114(c) of CAA, and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Certain categories of information outlined in 40 C.F.R. §§ 2.301-2.311, such as emission data and effluent data, or other information that is otherwise publicly available, are not eligible for confidential treatment.

Please segregate personnel, medical, and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

#### Substantiation Requirements

All confidentiality claims are subject to the EPA verification and must be made in accordance with 40 C.F.R. § 2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

If you feel that some or all of the provided information is entitled to confidential treatment, please specify which portions of the information you consider confidential. Please be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the public without further notice to you. In accordance with 40 C.F.R. § 2.204(e), please answer the following questions, giving as much detail as possible, for each item or class of information that you identify as being subject to your claim:

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. If you believe any information to be (a) trade secret(s), please so state and explain the reason for your belief. Please attach copies of those pages with brackets around the text that you claim to be (a) trade secret(s).
9. Any other issue you deem relevant, including, where applicable, reasons why you believe that the information you claim to be CBI is *not* emission data, information collected under section 211(b)(2)(A) of the Clean Air Act, effluent data, a standard or limitation, or information dealing with the existence, absence, or level of contaminants in drinking water. You may refer to 40 C.F.R. §§ 2.301-2.311 for discussion of certain types of information not eligible for confidential treatment.

The EPA Office of Regional Counsel may make a final confidentiality determination concerning this information.

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by the EPA only to the extent allowed by, and by



means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

